

# KING & SPALDING

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February 6, 2015

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, et al.  
Case No. 09-50026 (REG)**

**Letter Regarding Oral Argument and Related Matters**

Dear Judge Gerber:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“New GM”) in the above-referenced matter. In connection with its pending Motions to Enforce the Sale Order and Injunction, New GM, on behalf of itself and on behalf of Designated Counsel and counsel for the GUC Trust (each of whom is copied on this correspondence), submits this letter in connection with the date of and sequence for oral argument on the Motions to Enforce and time allocations for each party.

Because of a scheduling conflict, counsel for New GM, Designated Counsel and the GUC Trust have met and conferred, and had communications with the Court’s Courtroom Deputy, wherein it was agreed (and approved by the Court) that oral argument on the Motions to Enforce, scheduled for February 17, 2015 at 9:45 a.m., would be rescheduled to

- (i) **February 17, 2015, beginning at 9:00 a.m., and running to no later than 3:15 p.m.; and**
- (ii) **continuing on February 18, 2015 at 9:00 a.m. (to the extent necessary).**

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We have been informed that on both February 17th and February 18th, the Courthouse will open **no earlier than 8:00 a.m.** New GM will file a Notice of Re-Scheduled Hearing on the Court's ECF system to reflect this schedule.

Counsel for New GM, Designated Counsel and counsel for the GUC Trust have met and conferred on the time allocations for the oral argument, and jointly recommend the following:

**A. Due Process / Remedy / Old GM Claim Threshold Issues**

The following would constitute the sequence for oral argument and the time allocation for each party:

- (1) New GM opening argument - 1 hour 30 minutes,
- (2) Designated Counsel response – 1 hour 15 minutes,
- (3) Designated Counsel for Pre-Closing Accident Plaintiffs response - 20 minutes,
- (4) GUC Trust/Unitholders response (the GUC Trust will present the argument on behalf of itself and the Unitholders) - 40 minutes,
- (5) New GM reply - 30 minutes,
- (6) GUC Trust/Unitholders sur-reply, *only if permitted by the Court* – 5 minutes, and
- (7) Designated Counsel sur-reply, *only if permitted by the Court* – 10 minutes.

**B. Equitable Mootness Threshold Issue**

- (1) GUC Trust/Unitholders opening (the Unitholders will present the argument on behalf of themselves and the GUC Trust)- 15 minutes,
- (2) Designated Counsel response - 5 minutes,
- (3) New GM response - 5 minutes, and
- (4) GUC Trust/Unitholders reply - 5 minutes.

The parties will endeavor to complete the oral argument on all Threshold Issues by 3:15 p.m. on February 17, 2015. If this proves not to be feasible, the balance of the oral argument on the Threshold Issues will recommence on February 18, 2015 at 9:00 a.m.

Pursuant to an Endorsed Order entered on January 28, 2015 [Dkt. No. 13058] (“**Endorsed Order**”), the Court determined that there will be no oral argument with respect to the legal standard for the “Fraud on the Court” issue.

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Counsel for New GM, Designated Counsel and counsel for the GUC Trust respectfully request that the sequence of arguments and time allocations be approved and authorized by the Court.<sup>1</sup>

Respectfully submitted,

*/s/ Arthur Steinberg*

Arthur Steinberg

cc: Richard C. Godfrey, P.C.  
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<sup>1</sup> Counsel for the Unitholders and Designated Counsel for the Pre-Closing Accident Plaintiffs consent to the schedule set forth herein. Counsel for the Groman Plaintiffs filed a letter with the Court requesting an allotment of 10 minutes to address the Court on non-redundant, material points if counsel for the Groman Plaintiffs believe that their points have not been adequately addressed by other parties. In the Endorsed Order, the Court denied the Groman Plaintiffs' request without prejudice, allowing the Groman Plaintiffs to renew their request at oral argument. If the Court grants the Groman Plaintiffs' request, Counsel for New GM, Designated Counsel and counsel for the GUC Trust reserve their rights to respond to the Groman Plaintiffs' arguments.